

2005 DRAFTING REQUEST

Bill

Received: **02/13/2005**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Terese Berceau (608) 266-3784**

By/Representing: **Tom Powell**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **State Govt - procurement**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Berceau@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

State porcurement process

Instructions:

Per attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 11/17/2005	kfollett 11/18/2005		_____			State
/1			rschluet 11/18/2005	_____	sbasford 11/18/2005		State
/2	jkuesel 12/01/2005	kfollett 12/02/2005	pgreensl 12/02/2005	_____	sbasford 12/02/2005	sbasford 12/02/2005	

FE Sent For:

At intro.

<END>

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/1	jkuesel 12/1/05	12 kf 12/1/05	rschluet 11/18/2005	12/2 sub	sbasford 11/18/2005		

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LDNOTES

LRB-2092

02/13/2005 12:06:42 PM

Page 1

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1/1	jkuesel 11/18/05	1/11/05 11/18/05	g	g			

FE Sent For:

11/18/05
<END>

Kuesel, Jeffery

From: Powell, Thomas
Sent: Friday, February 11, 2005 2:04 PM
To: Kuesel, Jeffery
Subject: possible Rep. Berceau bill on state procurement

Jeffrey

Attached is a color-coded outline of Rep. Berceau's proposed state procurement bill.
Please look it over and comment.

Thank you very much for your help on this.

Tom Powell
Research Asssitant for Rep. Berceau



state contracting
bill.doc

Possible State Contracting Bill

(Based on Connecticut/Kentucky/Massachusetts/Oklahoma Legislation)

(any text in black is my addition)

1. Definitions:

- a. "Outsourcing contract" means an agreement or combination or series of agreements between a state agency and a nongovernmental person or entity, in which such person or entity agrees to provide services valued at two hundred thousand dollars (but as of January 1 each year, the amount shall increase to reflect increases in the consumer price index calculated by the United States Bureau of Labor Statistics for all urban consumers nationally during the most recent 12 month period for which data are available) or more over the life of the contract that are substantially similar to and in lieu of services provided, in whole or in part, by employees of such agency or by employees of another state agency for such agency. "Outsourcing contract" does not include an agreement to provide legal services, litigation support, or management consulting.
- b. "State construction" and "large procurement contracts" means any contract or amendment in excess of one hundred thousand dollars for:
 - i. The remodeling, alteration, repair or enlargement of any real asset;
 - ii. The construction, alteration, reconstruction, improvement, relocation, widening or changing of the grade of sections of state highways or bridges; or
 - iii. The purchase or lease of all supplies, materials or equipment.

2. Creation of a State Contract Review Board

- a. 7 members
- b. 1 appointed by Governor
- c. 1 appointed by Speaker of the Assembly
- d. 1 appointed by the President of the Senate
- e. 1 appointed by the minority leader of the Assembly
- f. 1 appointed by the minority leader of the Senate
- g. 2 more???
- h. Shall review, and approve or disapprove, all proposed outsourcing contracts and state construction or large procurement contracts to ensure that the process for the selection of the vendor or construction contractor complied with state law and that such contract is cost-effective and fiscally prudent.
- i. Decide within 30 days or automatic approval

3. Cost-Benefit Analysis

- a. Prior to any state agency's solicitation for a outsourcing contract (RPA) it must prepare an analysis of the costs and benefits of:
 - i. Outsourcing services
 - ii. Continuing to provides such services using state employees of the state agency (or another?)
 1. A feasibility study determining whether other state agencies could perform the function, program, service, unit or division sought to be outsourced
 - iii. An examination of all direct and indirect costs to the state, including:
 1. Health insurance
 2. Pension costs of state employees
 3. Other employee benefit costs
 4. Unemployment compensation costs of state employees terminated as a result of the privatization contract
 5. Severance payments to agency employees

6. Gain or loss of income tax revenue to the state
7. Gain or loss of sales tax revenue to the state
8. Personnel costs
9. Materials and supplies
10. Equipment
11. Capital and equipment depreciation costs
12. Rent
13. Maintenance and repairs
14. Utilities
15. (Non-health) insurance
16. Travel
17. Operations overhead
18. General administrative overhead
19. Costs of transition from public to private operation
20. Contract monitoring and administration costs

iv. An examination of the effect of such proposed outsourcing contract on the:

1. Quality of service
2. Public health and safety
3. Residents of the state who may utilize such outsourced service

v. In determining the cost of the outsourcing services, the state agency shall calculate labor costs for each employee position at a rate no less than the middle range salary of a state employee job class substantially similar to such employee position

vi. Analysis must be reviewed and approved or disapproved by???

4. Encouraging state employees to bid

- a. Sixty (60) days before publishing any solicitation for bids for a outsourcing contract (RFP), a state agency shall notify each collective bargaining organization representing employees of the agency of such planned solicitation.
- b. The agency must provide adequate resources for the purposes of encouraging and assisting present agency employees to organize and submit a bid to provide the services that are the subject of the outsourcing contract.
- c. The agency must consider any employee bid on the same basis as all other bids.
- d. The outsourcing process shall begin with:
 - i. Notification to employees impacted by the proposed outsourcing by the agency of its intent to outsource a function, program, service, unit or division of the agency.
 - ii. A specific statement that employees have an opportunity to submit proposals to the agency
 - iii. The agency shall provide information about the delivery of services to its employees as they develop proposals to be considered This information shall include revenue expenditure data, wage and salary data, an inventory of supplies, equipment, and facilities associated with the program being privatized, and the cost benefit analysis performed by the agency.
 - iv. Proposals submitted by agency employees shall remain confidential and be considered simultaneously in the bid or proposal process with non-employee bids

5. Bid requirements

- a. The wage rate for each employee covered by the outsourcing contract
- b. An agreement by the bidder or contractor to offer available employee positions to qualified regular state employees terminated because of the outsourcing contract
- c. An agreement of the bidder or contractor to:
 - i. Refrain from discriminatory employment practices

- ii. To take affirmative steps to provide equal opportunity
- d. Disclosure of:
 - i. The length of continuous employment of current employees of the contractor by job classification
 - ii. If the positions are newly created: the minimum requirements for prospective applicants for each position
- e. The annual rate of employee turnover
- f. The number of hours of training planned for each employee
- g. Disclosure of any administrative or legal proceedings pending or concluded adversely against the applicant or any of the applicant's principals or key personnel in the past five years that relate to:
 - i. The procurement or performance of any public or private construction contract
 - ii. Occupational safety and health
 - iii. Labor relations
 - iv. Discrimination or affirmative action
 - v. Environmental protection
 - vi. Conflicts of interest
 - vii. Any other employment requirements
- h. Any collective bargaining agreements or personnel policies covering the employees that will provide the services to the state
- i. Any political contributions made by the bidder or contractor or any employee who holds a management position within the bidding company (or to any political action committee or conduit that is organized or controlled by management) to any officer of the state or member of the Assembly or Senate during the previous four years.

6. Contract requirements

- a. Require the submittal of quarterly payroll records to the agency, listing the name, address, hours worked and hourly wage paid for each employee who is working under the outsourcing contract
- b. Require that available employee positions be offered to qualified regular employees of the agency whose state employment is terminated because of the outsourcing contract
- c. Prohibit discriminatory employment practices and require affirmative steps to provide equal opportunity.
- d. Prior to signing the contract, the state agency shall submit it to the State Contract Review Board for its review and approval or disapproval, with the following:
 - i. A state agency analysis of the quality of the services to be provided by the bidder, and whether such services exceed the quality of services that are provided by regular state employees
 - ii. A certification that the designated bidder and its supervisory employees have no adjudicated record of substantial or repeated willful noncompliance with any relevant federal or state regulatory law including, but not limited to:
 - 1. Labor relations
 - 2. Occupational safety and health
 - 3. Discrimination and affirmative action
 - 4. Environmental protection
 - 5. Conflicts of interest
- e. A description of why the proposed outsourcing contract is in the public interest
- f. Require that the payment to the contractor be linked to performance. The contract shall provide that the amount agreed upon in the contract may be **renegotiated** if the agency experiences a budget shortfall.

- g. The agency shall establish a plan and a cost analysis on how to return the outsourced function, program, service, unit or division to the state if there is a contract cancellation.
- 7. The quality and cost of the services to be provided by the selected bidder must exceed the quality and cost benefit standards for the state function as formerly delivered by agency employees.
- 8. Open records
 - a. Direct that a private vendor who enters into a outsourcing contract with a state agency is a public agency for purposes relating to open records.
 - b. Direct that any records prepared, owned, used, in the possession of, or retained by the vendor relating to the service provided under the outsourcing contract be public records.
 - c. Direct that a private vendor's records that are not related to services provided under the outsourcing contract are not public records.
 - d. Direct that all records prepare, owned, used, in the possession of, or retained by a state agency in conjunction with the approval, evaluation, or enforcement of a outsourcing contract shall be public records.

The Creation of a State contract Review Board

1. Who appoints?

The question is whether appointment power should rest entirely in the hands of the Governor (with the confirmation of the legislature) or whether the appointments should be parsed between the Governor and the Legislative Majority and Minority leaders. Our intention behind this is to protect the review board from being controlled by any one person or party.

Case in point: our current Governor, has made a pledge of eliminating 10,000 state employees. There is a strong motivation on his part to contract-out state work so that he can succeed at achieving this goal, even if it results in no cost savings. If he were empowered to appoint all of the members of the contract review board, then it is entirely feasible that he would only appoint members who would be inclined to allow state employees positions to be eliminated -- in effect, a "fox guarding the hen house" scenario. Such centralization of appointment power with one individual would destroy the intended independence of the board.

The question was raised whether removing total appointment power from the Executive would raise a constitutional issue of transfer of powers. But, there already exists an example of dispersed appointment power in WI stats. 229.842(2) which creates a Cultural Arts district for the construction and administration of the Overture Center in Madison. Under that statute the Governor appoints 3 members (in addition to himself or his designee), the Mayor of Madison appoints 6 members (in addition to himself or his designee), and the Dane County Executive appoints one member (in addition to herself or her designee).

I can't imagine why we could not do something similar with the ContractReview Board.

2. Preferred membership of Contract Review Board (7 members)

- a. 1 appointment by the Governor
- b. 1 appointment by the Speaker of the Assembly
- c. 1 appointment by the President of the Senate
- d. 1 appointment by the minority leader of the Assembly
- e. 1 appointment by the minority leader of the Senate
- f. 1 appointment by the President of the Wisconsin State Employees Union *(since this is a non-governmental body, are there any legal problems with this stipulation?)*

- 3. Purpose of the State Contracting Board**
To review and approve or disapprove all state contracts that result in a net loss of state employee positions. Any agency whose RFP may result in the loss of state employee jobs must notify the board, and provide the Board with any information it requires to adjudicate on the contract.
- 4. Standards that the Board shall use in making decisions**
To ensure that the process for the selection of the contract complies with state law, and that the contract exceeds the quality and cost benefit standards that would otherwise be achieved by state employees doing the same or substantially similar work.

To aid the Board in this determination, each agency that is seeking to contract-out work, must prepare and include in their RPA, a full and comprehensive analysis of the costs and benefits of displacing state employees with non-state employees. This analysis is found to be incomplete the Board may return it to the agency for improvement before a judgment is rendered on the contract.

5. **Staffing: provided by the Joint Legislative Council (I believe they would be able to tell us if additional staff positions were required in a fiscal estimate)**
6. **Jeffrey: Do we really need to prohibit any exemptions from the bidding process granted to the Governor/Secretary or Department under WI stats 16.75(6)(e) or 16.75(1) or 84.01 or any other statute, for the purposes of this bill (as we discussed in our meeting)? As it seems to me that even groups that are chosen without bidding must still propose a contract, so that the Contract Review Board would have an opportunity to approving or disapproving of it if it results in a net loss of state employee positions? Am I correct? If that is the case, then we don't need to prohibit exemptions from the bidding process — otherwise we should.**
7. **Age-related analysis in standards**
Potential cost savings that would accrue through the combined affect of contracting younger non-state employees while terminating older state

employees shall not be considered in the determination of cost benefit for any contract. The Board may request wage detailed information from the potential contractee in order to aid in this determination.

8. Appeals?

Jeffrey: Is there currently an appeals process in place if the Department of Administration rejects a contract? If not, then I don't believe we need one either.

9. Eliminate "Efficiency" as standard in WI stats. 16.705(1)

How do we eliminate the "efficiently" in DOA Administrative code 10.05(1)(c)? Can we do that through statute change?

2005

Date (time)
needed

NOTE
fr: 11/18

LRB - 2092,1

JTK: kjf:

BILL

Use the appropriate components and routines developed for bills.

Gen
AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and
renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and
amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the
statutes; relating to: *review of certain proposed state
contractual service engagements and creation of
a contract review board.*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of
standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

*The people of the state of Wisconsin, represented in senate and assembly,
do enact as follows:*

SECTION #.

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2092/lins2
JTK.....

Currently, the Department of Administration (DOA) and those executive branch agencies to which DOA delegates purchasing authority may enter into contracts for contractual services if the services can be performed more economically or efficiently by contract than through the use of state employees. This bill provides that DOA and its agents may enter into contracts for contractual services only if the services can be performed more economically by contract than through the use of state employees.

Currently, before a vendor is engaged to perform services that are currently being performed by represented state employees, the decision to contract for the services must first be bargained collectively in good faith by the state with the certified representative of the employees to the point of impasse. If no agreement is reached, the state may proceed to contract for the services. In addition, with certain exceptions, any proposal to engage a person to perform contractual services for a state agency must first be submitted to DOA for review and approval. The agency requesting approval of a proposed engagement must submit written justification for the proposal which must include justification of need, justification for not contracting with other state agencies, a specific description of the scope of the services to be performed by contract, and justification for the procurement process if a process other than competitive bidding is to be used. In addition, certain proposed contracts for contractual services must be reviewed by the director of the office of state employment relations in DOA in order to ensure that the contracting agency properly utilizes the services of state employees, evaluates the feasibility of using limited-term appointments prior to entering into the contract, and does not enter into a contract that would conflict with an existing collective bargaining agreement.

This bill provides, in addition to these requirements, with certain exceptions, that each proposed engagement to perform services for an executive branch state agency must be submitted for prior review and approval of a contract review board that is created by the bill. The board consists of 7 members serving for 2-year terms. Two of the members are appointed by the governor, one of whom must be a representative of an organization that is certified by the Employment Relations Commission to represent state employees, if any. In addition, one member each is appointed by the speaker of the assembly, the minority leader of the assembly, the president of the senate, the senate minority leader, and the director of the office of state employment relations in DOA.

Under the bill, the review requirement applies only if DOA or an agency to which DOA has delegated contracting authority determines that the proposed engagement will result in the net reduction of at least one full-time equivalent state position. The bill requires an agency to provide the board with certain information to be used in conducting its review. The board must approve the proposed engagement if it determines that the proposed engagement is consistent with state law and that the quality of services and cost benefits resulting from the engagement are greater than the quality of services and cost benefits to the state resulting from performance of the services by state employees. The board must exclude any savings resulting

UPs:
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Wisconsin

from replacement of state employees by nonstate personnel who are younger in age than the state employees.

The review requirements do not apply to a proposed engagement that has been bargained collectively with the certified representative for each state position the majority of whose duties will be displaced under the engagement if the representative agrees to the engagement. The review requirements do not apply to renewal of an existing contractual services agreement upon substantially the same terms and conditions, plus reasonable price adjustments necessitated by actual cost increases. In addition, the review requirements do not apply if each state agency for whom services are to be performed determines that its existing staff and the staff of other state agencies have no capability to perform the services required under the proposed solicitation or contract. Under the bill, decisions of the contract review board ~~may~~ be appealed under the state administrative procedure act and are subject to judicial review.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

LPS:
"may" stays in
Model

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2092/lins
JTK.....

✓

SECTION 1. 15.07 (1) (a) 7. of the statutes is created to read:

15.07 (1) (a) 7. Members of the contract review board shall be appointed as provided in s. 15.55.

✓

SECTION 2. 15.07 (5) (zm) of the statutes is created to read:

15.07 (5) (zm) Members of the contract review board, \$25 per day.

✓

SECTION 3. 15.55 of the statutes is created to read:

15.55 Contract review board. ^{creation} There is created a contract review board consisting of 7 members serving for 2-year terms. Two of the members shall be appointed by the governor, of whom one shall be a representative of an organization that is certified to represent employees under such. ✓ of ch. 111, if any; one member shall be appointed by the director of the office of state employment relations in the department of administration; one member shall be appointed by the speaker of the assembly; one member shall be appointed by the minority leader of the assembly; one member shall be appointed by the president of the senate; and one member shall be appointed by the minority leader of the senate.

✓

SECTION 4. 16.705 (1) of the statutes ^{as affected by 2005 Wisconsin Act 105 (Assembly Bill 105)} is amended to read:

16.705 (1) The Subject to approval under sub. (5m) whenever required, the department or its agents may contract for services which can be performed more economically ~~or efficiently~~ by such contract. ^{IN 51A}

History: 1977 c. 196 s. 31; Stats. 1977 s. 16.705; 1981 c. 20; 1983 a. 27; 1985 a. 29 s. 3200 (1); 1985 a. 332 s. 251 (1); 1987 a. 186; 1989 a. 125; 1999 a. 105; 2003 a. 33 ss. 201, 9160.

SECTION 5. 16.705 (5m) of the statutes is created to read:

✓

X 16.705 (5m) ^Δ (a) ^{ΔΔ} Except as authorized in par. (e), after each proposed engagement to perform contractual services is approved under sub. (2) and under sub. (3), whenever required, if the department or another agency to whom the

department has delegated contracting authority under s. 16.71[✓] (1) determines that the proposed engagement will result in the net reduction of at least one full-time equivalent position, or that the proposed engagement is a renewal of a previous engagement that is not exempted under par. (f), the contracting agency shall not solicit bids or competitive sealed proposals and shall not enter into any contract to perform those services until the agency submits the proposed solicitation, or if there is to be no solicitation, the proposed contract for review ~~and of~~^{of} the contract review board and the board approves the proposed engagement.

(b) ^{AD}The agency shall provide the contract review board with all information required by the board to determine whether the proposed solicitation or contract should be approved. ^{DD}The information shall include a comprehensive analysis, in the form prescribed by the contract review board, of the costs and benefits of replacing one or more state positions with services performed by contract.

X (c) ^{AD}The contract review board shall approve the proposed solicitation or contract if the board determines that the proposed contracting is consistent with state law and that the quality of services and the cost benefits to the state of contracting for services are greater than the quality of services and cost benefits resulting from performance of the services by state employees. If the board determines that the quality of services and cost benefits to the state of contracting for services are substantially equivalent to the quality of services and cost benefits to the state resulting ^{DD}from performance of the services by state employees, the board shall disapprove the proposed solicitation or contract.

(d) In determining the cost benefits to the state that will result from replacement of one or more net full-time equivalent positions with contractual services under par. (c), [✓]the contract review board shall exclude any savings resulting

from replacement of state employees who occupy the positions to be replaced with nonstate personnel who are younger in age than those state employees. The contract review board may request information from any proposed vendor concerning the ages of the personnel who will be performing services under any proposed contractual services contract. The contract review board may also request information from any agency for which contractual services will be performed under a proposed solicitation or contract concerning any employees of the agency the majority of whose time would be spent performing services required under the proposed solicitation or contract if no engagement occurs. Each agency shall provide the information requested by the contract review board under this paragraph. No agency may enter into a contract with any vendor who fails to provide complete information to the contract review board pursuant to an authorized request under this paragraph.

(e) Paragraph (a) does not apply to a proposed solicitation or contract that has been bargained collectively with the certified representative for each state position the majority of whose duties will be displaced under the proposed solicitation or contract and with respect to which the representative has agreed in writing to the proposed solicitation or contract.

X (f) Paragraph (a) does not apply to any proposed solicitation or contract to renew an existing contractual services contract under substantially the same terms and conditions, plus reasonable price adjustments necessitated by actual cost increases.

(g) Paragraph (a) does not apply to any proposed solicitation or contract to perform contractual services if each agency for whom the services are to be performed

determines that its existing staff and the staff of other agencies have no capability to perform the services required under the proposed solicitation or contract.

(h) Any aggrieved person may appeal a decision of the contract review board and the appeal shall be treated as a contested case under ch. 227.

SECTION 6. 16.75 (1) (a) 1. of the statutes is amended to read:

16.75 (1) (a) 1. All orders awarded or contracts made by the department for all materials, supplies, equipment, and contractual services to be provided to any agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t), (6), (7), (8), (9), and (10m) and ss. 16.705 (5m), 16.73 (4) (a), 16.751, 16.754, 50.05 (7) (f), 153.05 (2m) (a), 287.15 (7), and 301.265, shall be awarded to the lowest responsible bidder, taking into consideration life cycle cost estimates under sub. (1m), when appropriate, the location of the agency, the quantities of the articles to be supplied, their conformity with the specifications, and the purposes for which they are required and the date of delivery.

History: 1975 c. 224; 1977 c. 418, 419; 1979 c. 34, 221, 314, 340, 355; 1979 c. 361 s. 112; 1981 c. 121 s. 20; 1983 a. 27 ss. 91, 93 to 99; 1983 a. 333 ss. 3g, 3r to 4b, 6; 1983 a. 368, 390; 1985 a. 29 ss. 122m to 124, 3200 (1); 1985 a. 180; 1987 a. 27, 119, 142, 147, 186, 399, 403; 1989 a. 31, 335, 345, 359; 1991 a. 39, 170; 1993 a. 16, 414; 1995 a. 27 ss. 368 to 382, 9116 (5); 1995 a. 225, 227, 244, 289, 432; 1997 a. 3; 1999 a. 9, 44, 197; 2001 a. 16, 38; 2003 a. 33; 2005 a. 22, 25.

SECTION 7. 16.75 (6) (bm) of the statutes is amended to read:

16.75 (6) (bm) If the secretary determines that it is in the best interest of this state to do so, he or she may waive any requirement under subs. (1) to (5) and ss. 16.705 and 16.72 (2) (e) and (f) and (5) except s. 16.705 (5m) with respect to any contract entered into by the department of workforce development under s. 49.143, if the department of workforce development presents the secretary with a process for the procurement of contracts under s. 49.143 and the secretary approves the process.

History: 1975 c. 224; 1977 c. 418, 419; 1979 c. 34, 221, 314, 340, 355; 1979 c. 361 s. 112; 1981 c. 121 s. 20; 1983 a. 27 ss. 91, 93 to 99; 1983 a. 333 ss. 3g, 3r to 4b, 6; 1983 a. 368, 390; 1985 a. 29 ss. 122m to 124, 3200 (1); 1985 a. 180; 1987 a. 27, 119, 142, 147, 186, 399, 403; 1989 a. 31, 335, 345, 359; 1991 a. 39, 170; 1993 a. 16, 414; 1995 a. 27 ss. 368 to 382, 9116 (5); 1995 a. 225, 227, 244, 289, 432; 1997 a. 3; 1999 a. 9, 44, 197; 2001 a. 16, 38; 2003 a. 33; 2005 a. 22, 25.

SECTION 8. 16.75 (6) (e) of the statutes is amended to read:

16.75 (6) (e) The governor or his or her designee may waive any requirement of this subchapter if the governor or his or her designee finds that there exists an emergency which threatens the public health, safety or welfare and the waiver is necessary to meet the emergency. The governor or his or her designee shall require the award of each contract under this paragraph to be made with such competition as is practicable under the circumstances. The governor or his or her designee shall file with the department a statement of facts constituting the emergency for each waiver issued under this paragraph, and a statement of the basis for selection of each contractor under the emergency procedure. This paragraph does not apply to the ~~requirement~~ requirements specified in sub. (7) and s. 16.705 (5m).

History: 1975 c. 224; 1977 c. 418, 419; 1979 c. 34, 221, 314, 340, 355; 1979 c. 361 s. 112; 1981 c. 121 s. 20; 1983 a. 27 ss. 91, 93 to 99; 1983 a. 333 ss. 3g, 3r to 4b, 6; 1983 a. 368, 390; 1985 a. 29 ss. 122m to 124, 3200 (1); 1985 a. 180; 1987 a. 27, 119, 142, 147, 186, 399, 403; 1989 a. 31, 335, 345, 359; 1991 a. 39, 170; 1993 a. 16, 414; 1995 a. 27 ss. 368 to 382, 9116 (5); 1995 a. 225, 227, 244, 289, 432; 1997 a. 3; 1999 a. 9, 44, 197; 2001 a. 16, 38; 2003 a. 33; 2005 a. 22, 25.

SECTION 9. 20.240 of the statutes is created to read:

20.240 Contract review board. There is appropriated to the contract review board for the following program:

(1) REVIEW OF STATE CONTRACTUAL SERVICES AGREEMENTS. (a) *General program operations.* The amounts in the schedule for the general program operations of the contract review board.

SECTION 10. Nonstatutory provisions.

(1) INITIAL TERMS. Notwithstanding section 15.55 of the statutes, as created by this act, the members who are initially appointed to serve as members of the contract review board shall serve for terms expiring on May 1, 2007.

(2) AUTHORIZED POSITIONS. There is authorized for the contract review board 1.0 FTE GPR director position and 1.0 FTE GPR support position to be funded from the appropriation under section 20.240 (1) (a) of the statutes, as created by this act.

(END)

D- Note

2003

IN SSA

LRB 2092, 1
JR: : :

File With Statute **20.005 (3)** Schedule

\$\$\$ SCHEDULE

In the component bar:

For the action phrase, execute: create → action: → ch20

For the table layout, execute: create → <Table> → \$sched

SECTION #. 20.005 (3) (schedule) of the statutes: at the appropriate place,
insert the following amounts for the purposes indicated:

2005-06 2006-07
2003-04 2004-05

20. 240 Contract review board

(1) REVIEW OF STATE CONTRACTUAL
SERVICES AGREEMENTS

(a) General program
operations

GPR A -0- -0-

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